

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:08CV392-R**

**SYSCO FOOD SERVICES OF  
CHARLOTTE, L.L.C.**

**Plaintiff,**

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**B.A.H. EXPRESS, INC.,**

**Defendants.**

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**ORDER**

**THIS ORDER** is before the Court at the conclusion of the Initial Pretrial Conference, for which Plaintiff's counsel (H. Monroe Whitesides, Jr.) failed to appear. Calls from chambers to counsel's office in an attempt to locate him were unsuccessful, although Mr. Whitesides appeared later in chambers to apologize for his oversight. It is noted that Mr. Whitesides has never before failed to appear in any proceeding over which the undersigned was presiding.

Kristen Kelly and Katherine Tenfelde appeared for the Defendant at the Initial Pretrial Conference pursuant to the "Order Setting Initial Pretrial Conference" filed October 10, 2008 (document # 10). A Law Clerk on chambers staff also contacted counsel prior to the Order being entered to confirm availability for the scheduled date and time.

When Mr. Whitesides was fifteen minutes late, the Conference was begun in his absence. Counsel for the Defendant advised that their hourly rates for this case are both \$175.00. Thus, the Defendant would be billed an additional \$87.50 for the time counsel was required to wait prior to

the Conference being convened – an expense the Court determines it is more appropriate for Mr. Whitesides to pay.

**NOW THEREFORE, IT IS ORDERED:**

1. Mr. Whitesides shall promptly submit a check in the amount of \$87.50 to Defendant's Atlanta counsel (Mozley, Finlayson & Loggins, LLP) to the attention of Kristen M. Kelly.
2. Mr. Whitesides shall absorb this expense himself; that is, it shall not be billed or otherwise passed on to the Plaintiff.
3. Copies of this Order shall be send to counsel for the parties and to the Honorable Martin K. Reidinger.

**SO ORDERED.**

Signed: November 12, 2008

*Carl Horn, III*

Carl Horn, III  
United States Magistrate Judge

